United Nations CAT/C/SLE/CO/1

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of Sierra Leone*

1. The Committee against Torture considered the initial report of Sierra Leone (CAT/C/SLE/1) at its 1219th and 1221th meetings, held on 2 and 5 May 2014 (see CAT/C/SR.1219 and 1221), and adopted the following concluding observations at its 1237th meeting, held on 15 May 2014 (see CAT/C/SR.1237), and its 1238th meeting, held on 16 May 2014 (CAT/C/SR.1238).

A. Introduction

2. The Committee welcomes the initial report of Sierra Leone (CAT/C/SLE/1). However, the Committee regrets that the report does not fully conform to the Committee's guidelines on the form and content of initial reports (CAT/C/4/Rev.3), and that it was submitted with an 11-year delay, which prevented the Committee from conducting an analysis of the implementation of the Convention in the State party following its accession in 2001.

3. The Committee is grateful to the State party for the constructive and frank dialogue held with its high-level delegation and the additional information that was provided during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the State party's ratification of the following international instruments:

(a) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, on 17 September 2001 and 15 May 2002 respectively;

(b) The Convention on the Rights of Persons with Disabilities, on 4 October 2010.

* Adopted by the Committee at its fifty-second session (28 April–23 May 2014).

5. The Committee welcomes the following legislative measures taken by the State party in areas of relevance to the Convention:

(a) The Sexual Offences Act, 2012, which increases penalties for sexual offences and prohibits spousal rape;

(b) The Legal Aid Act, 2012;

(c) The Domestic Violence Act, 2007;

(d) The Refugees Protection Act, 2007.

6. The Committee further welcomes:

(a) The establishment in 2004 of the interministerial Trafficking in Persons Task Force, with representation from civil society organizations, and the Office of National Security, to coordinate the monitoring of human trafficking;

(b) The establishment, in 2003, of the family support units within police stations and the adoption in 2012 of the National Referral Protocol on gender-based violence and the National Plan of Action on gender-based violence;

(c) The establishment of the National Human Rights Commission by an Act of Parliament in 2004, becoming operational in 2007.

C. Principal subjects of concern and recommendations

Application of the Convention in the State party

7. While taking note of the fact that Sierra Leone has a dualist legal system, as regards the incorporation of international treaties into domestic law, the Committee is concerned that, 13 years after acceding to the Convention, the State Party has still not incorporated the Convention into the national legal system (art. 2).

The Committee urges the State party to enact legislation to give effect in the domestic legal system to the rights and obligations it has undertaken under the Convention. The State party is encouraged to take into account the following aspects when enacting the legislation.

Criminalization and definition of torture

8. In spite of the prohibition of torture laid down in section 20, paragraph 1, of the Constitution, the Committee is concerned that the State party has not yet incorporated the crime of torture into its criminal legislation. The Committee also takes note of the prohibition of torture against children in section 33 of the Child Rights Act, 2007, but is concerned at the fact that torture against children is not defined in the Act and carries very low penalties, such as a fine or a term of imprisonment not exceeding two years. The Committee further notes the statement of the delegation that acts of torture are currently punished under other types of offences, contained in the Offences against the Person Act, 1861. The Committee is therefore seriously concerned at the existence of legal loopholes that allow a situation of impunity for acts of torture and at their prevalence (arts. 1 and 4).

The Committee urges the State party to specifically criminalize all acts of torture in its criminal legislation and incorporate the definition of torture as contained in article 1 of the Convention in its criminal law, as undertaken by the State delegation during the dialogue with the Committee. The State party should ensure that such offences are punishable by appropriate penalties commensurate with their grave nature, in accordance with article 4, paragraph 2, of the Convention. The State party should also

make the necessary legislative amendments to ensure that sections 33 and 35 of the Child Rights Act are aligned with this recommendation.

Amnesties and non-derogability of the prohibition of torture

9. The Committee is concerned at the State party's statement in the State report that acts of torture were committed from 1992 to 1998 during the military regimes (CAT/C/SLE/1, para. 42), and by the fact that the Lomé Peace Agreement (Ratification) Act of 1999 provides amnesty to all combatants for any actions carried out in pursuit of their objectives during this period. While acknowledging that a number of persons have been tried and convicted by the Special Court for Sierra Leone, the Committee notes that this international criminal court only has the competence to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996 (arts. 2, 12, 13 and 14).

In the light of its general comments No. 2 (2008) on the implementation of article 2 by States parties and No. 3 (2012) on the implementation of article 14 by States parties, the Committee reiterates to the State party the long-established *jus cogens* prohibition of torture, according to which the prosecution of acts of torture should not be subjected to any condition of legality or statute of limitation. The Committee considers that amnesty provisions that preclude prompt and fair prosecution and punishment of perpetrators of torture or ill-treatment violate the principle of non-derogability of the prohibition of torture and contribute to a climate of impunity. In view of this, the Committee urges the State party to repeal the amnesty provisions in the Lomé Peace Agreement (Ratification) Act of 1999 and to take all the necessary steps to ensure: (i) that cases of torture and other cruel, inhuman or degrading treatment or punishment be thoroughly and promptly investigated in an impartial manner; (ii) that the perpetrators be subsequently tried and punished; and (iii) that steps be taken to provide reparation to the victims.

Absolute prohibition of torture

10. The Committee notes with concern that section 20 of the Constitution does not absolutely prohibit torture under any and all circumstances, since paragraph 2 of the same section authorizes the infliction of any kind of punishment that was lawful before the entry into force of the Constitution. Neither does section 29 of the Constitution, regulating a state of public emergency, explicitly indicate either that the prohibition of torture is non-derogable (art. 2).

The State party should repeal paragraph 2 of section 20, and make the necessary amendments to section 29, of the Constitution during its current Constitutional review process to legislate for the absolute prohibition of torture, explicitly providing that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. The State party should also explicitly indicate in its national legislation that the statute of limitations shall not apply for the offence of torture.

Fundamental legal safeguards

11. While noting that section 17, paragraph 2, of the Constitution provides that detainees have the right to access a lawyer from the outset of their deprivation of liberty, the Committee is concerned that this safeguard cannot be effectively implemented, since most detainees cannot afford a lawyer, and the National Legal Aid Board created in the Legal Aid Act, 2012 is yet to commence its work. The Committee is further concerned that, under section 17, paragraph 3, of the Constitution, detainees can be held for as long as 10 days in

police custody before being brought before a judge in the case of a capital offence, and are reportedly held for longer periods than those prescribed in the Constitution. Moreover, detainees do not have a legal right to an independent medical examination as soon as they are admitted to a place of detention, nor, in the case of foreigners, to communicate with the consular authorities. The Committee is further concerned at the fact that the registration of detainees is not regulated and registers are poorly kept (art. 2).

The State party should:

(a) Ensure that detainees enjoy, de jure and de facto, all legal safeguards from the moment when they are deprived of their liberty, particularly the rights to be examined by an independent doctor; to notify a relative and, in the case of foreigners, consular authorities; to be brought promptly before a judge; and to have prompt access to a lawyer and, if necessary, to legal aid;

(b) Take effective steps without delay to ensure that the National Legal Aid Board, created in the Legal Aid Act, 2012, commences its work as soon as possible and, with the Sierra Leone Bar Association, is provided with sufficient resources to provide legal aid to all persons in need;

(c) Adopt effective legislative, administrative, judicial and other measures to regulate the registration of all detainees in the country, which should indicate the type of detention, the crime and period of detention or imprisonment, the date and time of deprivation of liberty and of being taken into detention, the place where they are being held, and their age and sex;

(d) Make the necessary amendments to its laws to abolish the provision under which people may be held in police custody for a 10-day period or 72 hours, depending on the offence, and introduce in its place a maximum 48-hour period.

Death penalty

12. While welcoming the official moratorium on executions since 2011 and the current efforts of the State party to do away with the death penalty, the Committee remains concerned that the death penalty has not yet been officially abolished (arts. 2 and 16).

The Committee encourages the State party to accelerate its current legislative review and to abolish the death penalty, in line with the commitment made during the dialogue with the Committee.

Excessive use of force, including lethal force

13. The Committee is highly concerned about allegations of excessive use of force, including lethal force, by police and security forces, especially when apprehending suspects and quelling demonstrations, and about the broad threshold for the use of lethal force in section 16, paragraph 2, of the Constitution. In particular, the Committee is concerned that the alleged excessive use of force by the police in Bumbuna, Tonkolili, in April 2012 led only to a confidential Coroner's inquest (arts. 2, 12 and 16).

The State party should take immediate and effective action to investigate promptly, effectively and impartially all allegations of excessive use of force, especially lethal force, by members of law enforcement agencies and to bring those responsible for such acts to justice and provide the victims with redress. The State party should also ensure that confidential Coroner's inquests are complementary and not a substitute for criminal prosecutions and court proceedings.

The Committee urges the State party to make the necessary amendments in section 16 of the Constitution and the police rules of procedure to ensure that lethal use of

firearms by law enforcement officials can only be employed as a measure of last resort and if strictly unavoidable for the purpose of protecting life, in accordance with the Convention, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). The State party should provide regular training to law enforcement personnel in order to ensure that officials comply with the above rules and are aware of the liabilities they incur if they make unnecessary or excessive use of force.

Sexual and gender-based violence, including domestic violence

14. While welcoming the measures taken to combat gender-based and domestic violence (see paras. 5 (a) and (c) and 6 (b) above), the Committee remains concerned at the high prevalence of gender-based violence in the country, including rape of girls by close relatives and teachers. The Committee also notes with concern the prevalent underreporting, partly due to the pressure on victims to resort to out-of-court settlements. Investigations are also ineffective, as acknowledged by the State party, due to "the inadequate capacity of the family support units to respond to gender-based violence cases, pressure by family members of the victims to drop charges, obstruction of justice by influential people including traditional leaders and politicians, and by the long delay in court trials" (HRI/CORE/SLE/2012, para. 149) (arts. 2, 12 and 16).

The State party should strengthen its efforts to eradicate sexual and gender-based violence, including domestic violence, in particular by:

(a) Providing the necessary resources to the family support units, and extending their presence in all police stations, particularly at chiefdom level;

(b) Ensuring that all cases of violence against women and children, including sexual and domestic violence, are expeditiously and thoroughly investigated, the perpetrators prosecuted and, if convicted, punished with appropriate sanctions;

(c) Guaranteeing victims full access to health services, including to free medical reports, family planning and to the prevention and diagnosis of sexually transmitted diseases, and ensuring that victims obtain shelter and redress, including fair and adequate compensation and the fullest possible rehabilitation;

(d) Training, inter alia, judges, prosecutors, police officers, forensic services and health-care providers on the strict application of the legislative framework with a gender-sensitive approach;

(e) Extending awareness-raising campaigns on gender-based violence, particularly to schools and the community at large.

Female genital mutilation

15. The Committee takes note of the efforts made by the State party to combat female genital mutilation, but it remains deeply concerned at the fact that this practice is not penalized and, in fact, is highly prevalent in the State party. While taking note that section 33 of the Child Rights Act 2007 prohibits "any cultural practice which dehumanises or is injurious to the physical and mental welfare of a child", the Committee takes into account the State party's core document, in which it indicated that the Act "does not address the pervasive practice of female genital mutilation" (HRI/CORE/SLE/2012, para. 147) (arts. 2, 12, 13, 14 and 16).

In line with the commitment it made during the universal periodic review in May 2011 and in line with the State's obligations under the Convention, the State party should urgently: criminalize female genital mutilation, immediately adopt measures to eradicate this practice, and conduct enhanced and robust awareness-raising

campaigns, particularly among families and traditional leaders, on the harmful effects of this practice.

Harmful traditional practices

16. The Committee is concerned that section 2, paragraph 2, of the Registration of Customary Marriage and Divorce Act, 2007 still allows child marriage, subject to parental consent, and notes the persistence of this and other harmful traditional practices, such as the verbal and physical violence, including lynching, inflicted on elderly women in relation to allegations of witchcraft. The Committee is also highly concerned about reports of the commission of ritual crimes and about the lack of effective investigations and successful prosecutions, the alleged interference of traditional leaders and the reliance on out-of-court settlements. Furthermore, the Committee regrets the lack of sufficient information on the steps taken to ensure that customary law conforms to the State party's obligations under the Convention (arts. 2 and 16).

The State party should:

(a) Repeal the provisions in the legislation that permit child marriage and establish the minimum marriageable age at 18 years;

(b) Strengthen its efforts to prevent and combat harmful traditional practices, particularly in rural areas, and ensure that such acts are investigated and the alleged perpetrators prosecuted and, if convicted, punished with appropriate sanctions;

(c) Create the conditions for victims to report without fear of reprisals and provide them with reparations;

(d) Increase awareness-raising measures to alert the public to the harmful effects of certain customs that are detrimental to women and other persons, as undertaken by the State delegation during the dialogue;

(e) Provide judges, prosecutors, law enforcement officials and traditional authorities with training on the strict application of the relevant legislation criminalizing harmful traditional practices and other forms of violence.

In general, the State party should ensure that its customary law and practices are compatible with its human rights obligations, particularly those under the Convention.

Abortion

17. While acknowledging the steps taken by the State party to review the current restrictive legislation, the Committee is concerned that sections 58 and 59 of the Offences against the Person Act still criminalize abortion in all circumstances. These restrictions result in a large number of women seeking clandestine and unsafe abortions, which may account for over 10 per cent of maternal deaths (arts. 2 and 16).

The Committee recommends that the State party accelerate the review process of the Offences against the Person Act with a view to considering providing for further exceptions to the general prohibition of abortion, in particular for cases of therapeutic abortion and pregnancy resulting from rape or incest. The State party should, in accordance with the guidelines issued by the World Health Organization, guarantee immediate and unconditional treatment for women seeking emergency medical care as a consequence of unsafe abortion. The State party should also provide sexual and reproductive health services to women and adolescents, in order to prevent unwanted pregnancies.

Administration of justice

18. The Committee is concerned at the small number of judges and prosecutors in the State party, which generates serious delays in trials and limits access to justice to victims of torture or ill-treatment. The Committee is also highly disturbed by the manner in which the detention system of the State party has allegedly become vulnerable to corrupt practices in that bail is usually granted upon payment of "speed money" to the police and the judiciary, particularly in the local courts. The Committee also notes the absence of safeguards for the protection of the independence of the judiciary, all of which may hamper the effective administration of justice as a means of combating torture (art. 2)

The State party should:

(a) Pursue the reform of the judicial system that it has initiated and take appropriate measures to increase the number and quality of the available judicial and prosecutorial capacity;

(b) Reinforce the measures in place for countering police and judicial misconduct, particularly corrupt practices in all their forms, which may hinder the progress of investigations and the proper functioning of an independent, impartial and appropriate legal and judicial system;

(c) Carry out investigations, bring perpetrators to justice and, in the case of convictions, impose adequate penalties;

(d) Guarantee and protect the independence of the judiciary, ensure their security of tenure, improve the legislation governing their conduct, and provide judges with continuous professional development training, including in judicial conduct and the Convention, in line with the Basic Principles on the Independence of the Judiciary (see General Assembly resolutions 40/32 and 40/146).

Superior orders and command responsibility

19. While taking note of the statement in the State report that the rules governing public officials do not preclude officers from liability for torture if they invoke superior orders as a defence (CAT/C/SLE/1, para. 41), the Committee remains concerned at the lack of clarity regarding the existence of mechanisms that offer subordinates who refuse to obey such an order protection against retaliation by superior officers. The Committee is also concerned at the lack of information on whether or not the principle of command or superior responsibility for acts of torture committed by subordinates is recognized in domestic laws (arts. 1 and 2).

In the light of the Committee's general comment No. 2, the State party should establish, both in law and in practice:

(a) The right of all law enforcement officials to refuse, as subordinates, to execute an order from their superior officers that would result in contravention of the Convention;

(b) Mechanisms to protect subordinates from reprisals if they refuse to carry out an order from a superior that is in breach of the Convention;

(c) The criminal responsibility of those exercising superior authority for acts of torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was, or was likely, to occur, yet took no reasonable and necessary preventive measures.

Non-refoulement

20. While welcoming the fact that the Refugees Protection Act 2007 bars the "refoulement" of refugees and their families if there are substantial grounds for believing that they would be in danger of being subjected to torture, the Committee notes with concern that the Extradition Act 1974 does not explicitly recognize this principle. Although the decision to extradite is subject to judicial review, there is no legal obligation to assess the situation of the applicant with regard to the risk of torture in the country of destination. The Committee is also concerned at the lack of sufficient financial support provided to the three refugee bodies set out under the Refugees Protection Act, which inhibits them from performing their functions effectively (art. 3).

The State party should abide by its obligations under the Convention, repeated in the commitment made during the dialogue with the Committee, and amend the Extradition Act to ensure that it conforms to the non-refoulement obligation under article 3 of the Convention. The State party should also take the necessary steps to guarantee that the principle of non-refoulement is properly applied by the High Court and the Supreme Court when they decide on extradition cases. The State party should further allocate sufficient funding to its national refugees structures to ensure their sustainability, as recommended previously by the Human Rights Committee.

Jurisdiction over acts of torture

21. The Committee is concerned at the lack of clarity concerning the possibility of establishing extraterritorial jurisdiction over the crime of torture when the alleged victim is a national of Sierra Leone, or the alleged foreign offender is present under its jurisdiction. The Committee also notes the lack of clarity regarding the existence of the necessary legislative measures establishing the State party's obligation to extradite or prosecute for acts of torture (*aut dedere, aut judicare*). The Committee further notes with concern that, according to section 42, paragraph 1, of the Criminal Procedure Acts, 1965, national courts may establish jurisdiction over crimes committed by nationals of Sierra Leone abroad only when these crimes were committed by a public official acting "in the course of his duties" (arts. 5, 6 and 7).

The State party should ensure that the new Criminal Procedure Act, 2014 establishes extra-territorial jurisdiction over acts of torture when the alleged victim is a national of Sierra Leone or the alleged offender is present in Sierra Leone, either to extradite the alleged perpetrator to a State with jurisdiction over the offence or to an international criminal tribunal, according to its international obligations, or to prosecute him or her, in accordance with the provisions of the Convention. The State party should also ensure that this Act establishes jurisdiction over acts of torture committed by nationals of Sierra Leone abroad irrespective of whether the alleged perpetrators were persons acting in an official capacity or public officials acting outside their official duties.

Extradition and mutual assistance

22. The Committee notes that the Extradition Act makes extradition contingent on the existence of an extradition treaty with a listed number of countries. However the Committee is concerned that the crimes enumerated in article 4 of the Convention are not explicitly included in the Extradition Act as extraditable offences. Moreover, the State party has not clarified whether it had invoked the Convention as a legal basis for extradition with regard to these crimes when it received a request for extradition from another State party with which it has no extradition treaty. The Committee is also concerned at the fact that there are no provisions concerning mutual judicial assistance that could apply in the case of the crimes enumerated in article 4 of the Convention (arts. 8 and 9).

In accordance with the undertaking made to the Committee, the State party should:

(a) Amend the Extradition Act to ensure that the crimes enumerated in article 4 of the Convention are considered as extraditable offences;

(b) Take the necessary legislative and administrative measures to ensure that the Convention can be invoked as a legal basis for extradition in respect of the crimes enumerated in article 4 of the Convention when it receives a request for extradition from any other State party with which it has no extradition treaty, while at the same time observing the provisions of article 3 of the Convention;

(c) Take the necessary legislative and administrative measures to provide mutual judicial assistance to other State parties in all matters of criminal procedure regarding the crimes enumerated in article 4 of the Convention, including by incorporating into national legislation multilateral agreements with mutual assistance provisions already ratified by the State party.

Training

23. While noting the inclusion of the prohibition of torture in the Police Training School-Recruit Manual, the Committee is concerned at the absence of specific and periodic training on the Convention, and the omission of the absolute prohibition of torture in the rules and instructions governing military personnel, police officers, prison staff, immigration officers and law enforcement personnel such as judges, prosecutors and lawyers. It is also concerned at the fact that the guidelines set out in the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol, 1999) are not followed in investigations into cases of torture or ill-treatment (art. 10).

The Committee recommends that the State party:

(a) Include the absolute prohibition of torture in all the rules and instructions applicable to civil and military law enforcement personnel, or persons involved in the custody, interrogation or treatment of persons deprived of their liberty;

(b) Disseminate widely training programmes with customized modules on the Convention to ensure that security and law enforcement personnel, civil and military, are fully aware of the provisions of the Convention and particularly of the absolute prohibition of torture;

(c) Provide training in respect of the Istanbul Protocol on a regular and systematic basis to medical personnel, forensic doctors, judges, immigration officers, prosecutors and all other persons involved in the custody, interrogation or treatment of persons deprived of their liberty, as well as to anyone else involved in investigations into cases of torture;

(d) Assess and evaluate as far as practicably possible the effectiveness of educational and training programmes dealing with the Convention and the Istanbul Protocol.

Pretrial detention

24. The Committee welcomes the ongoing reform of the Criminal Procedure Act, aimed at accelerating trials and enabling the imposition of alternative methods of serving sentences. The Committee remains concerned, however, at the fact that pretrial detainees reportedly account for more than half of the prison population. The Committee notes with concern the excessive resort to imprisonment for minor offences and the current restrictive

use of alternative measures of detention, due in part to the lack of sureties. The Committee also takes note of information indicating that, although the remand warrant cannot legally exceed eight days, it is normally not renewed, due to the lack of magistrates, or not respected. The Committee observes, with concern, that these aspects have a direct impact on the serious overcrowding of prisons (arts. 2, 11, 12 and 16).

The State party should:

(a) Ensure that the Criminal Procedure Act 2014 is promptly adopted, incorporating these recommendations, and is given force of law;

(b) Review the provisions on alternative measures of detention in order to remove the obstacles to their effective application;

(c) Reduce the length and the number of pretrial detentions and ensure that pretrial detainees receive a fair and prompt trial;

(d) Increase the use of non-custodial measures and community service orders, especially for minor offences, and sensitize the relevant judicial personnel to the use of such measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

Juvenile justice

25. The Committee is concerned that the number of children in detention has steadily increased and that minors remain in detention for months before their cases are adjudicated. Moreover, the Committee is concerned at reports indicating that children below the age of criminal responsibility have allegedly been charged and convicted, and that children have been detained with adults, especially in police cells or when their age could not be verified. The Committee also notes with concern that the insufficient number of courts in rural areas restricts juveniles' access to justice (arts. 2, 11, 12 and 16).

The State party should:

(a) Introduce and use non-custodial measures for minors who are in conflict with the law and ensure that they are only detained as a last resort and for the shortest possible time;

(b) Make sure that minors who are deprived of their liberty are afforded full legal safeguards and are held separately from adults in all prisons and detention cells throughout the country, in the light of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(c) Ensure that children are not subjected to any kind of abuse on account of their vulnerabilities.

Detention conditions

26. While acknowledging the willingness to improve the situation in prisons through the drafting of the Correctional Services Bill, the Committee is still deeply concerned at:

(a) The deplorable material and infrastructural conditions of prisons for an overcrowded prison population;

(b) The appalling conditions of detention, such as lack of sufficient ventilation and lighting, the absence of beds and bedding and the poor functioning of the toilets in police and local courts cells, and lack of access to drinking water and adequate food;

(c) The obstacles to medical care or treatment of prisoners in public hospitals;

(d) The reported lack of separation between suspects, and remanded and convicted prisoners;

(e) Lack of an Earning Scheme for prisoners, as mandated by sections 19, 20 and 21 of the Prison Rules of 1961. As acknowledged in the State report, prisoners are requested to "labour in government offices and private residences without any compensation" (CAT/C/SLE/1, para. 70);

(f) Ineffectiveness of internal complaints procedures and inspection mechanisms (arts. 2, 11 and 16).

The State party should redouble its efforts to improve detention conditions and to ensure that they conform to the Convention and with the appropriate provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners, which are currently under revision. To this end, it should, inter alia:

(a) Adopt the necessary legislative, judicial, administrative and other measures to regulate the conditions of detention in police and local court cells and ensure that the Correctional Services Bill complies with these recommendations;

(b) Allocate sufficient resources and adopt a precise time frame for the renovation, maintenance and construction of prisons and detention facilities, as undertaken by the State delegation;

(c) Ensure, as a minimum, access to basic services, including access to water for drinking and other use, at least two nutritious meals a day, appropriate hygiene conditions such as functioning toilets, beds, mattress and bedding, sufficient natural and artificial light and ventilation in cells, and mosquito nets;

(d) Provide medical care and prompt hospitalization for suspects and prisoners and allocate sufficient resources to the public health care system to cover the costs of hospitalization;

(e) Set up an Earning Scheme for prisoners that wish to work;

(f) Ensure that remand prisoners are separated from convicted prisoners, and female suspects are separated from male suspects and attended by female officers;

(g) Ensure that prisoners have meaningful access to an independent and confidential system for lodging complaints about conditions of detention, including ill-treatment, and ensure that thorough, impartial and independent investigations are conducted into any and all complaints;

(h) Establish a permanent and independent prison monitoring system, ensuring unrestricted access to the Ombudsman and the Human Rights Commission of Sierra Leone, as well as other human rights organizations, to all places of detention, in particular for unannounced visits and private interviews with detainees.

Ill-treatment in detention

27. The Committee is highly concerned at information indicating that cases of violence and deaths in custody have not been sufficiently investigated, including the death in custody of Lamin Kamara, allegedly as a consequence of torture. The Committee is also concerned at the alleged use of corporal punishment and solitary confinement for prisoners, as permitted by the Prison Ordinance Act of 1960 and the Prison Rules of 1961, as well as reduction in diet and the use of handcuffs and other means of restraint as a punishment (arts. 2, 11 and 16).

The State party should:

(a) Ensure that the Correctional Services Bill, aimed at replacing the Prison Ordinance Act of 1960 and the Prison Rules of 1961, is promptly adopted and complies with the commitment taken by the State delegation to eliminate corporal punishment and solitary confinement;

(b) Take all appropriate measures to prevent, investigate and punish violence in prisons, including sexual violence, and ensure that all cases of death in custody, including the death of Lamin Kamara, are promptly and effectively investigated;

(c) Avoid the use of restraints as much as possible or apply them as a last resort when all other non-coercive alternatives for control have failed, never as a punishment, for the shortest possible time, and after being duly recorded. Reduction in diet as a punishment should be prohibited.

Prompt, thorough and impartial investigations

28. While welcoming the recent establishment of the Independent Police Complaints Board, the Committee notes with concern that the disciplinary bodies within the Army and prison system are still hierarchically connected to the officials being investigated, as acknowledged in the State report (CAT/C/SLE/1, para. 74). The Committee also considers that the function of the Attorney General as a Minister of Justice could compromise its institutional independence. The Committee is also concerned as to the independence and effectiveness of the criminal investigations into allegations of torture or ill-treatment committed by public officials, since at magistrate courts crimes are prosecuted by police prosecutors, and any private citizen may also carry out a prosecution, which can be taken over or terminated at the discretion of the Attorney General. The Committee is further concerned that the State party was unable to provide disaggregated data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment (arts. 2, 11, 12, 13 and 16).

The State party should:

(a) Separate the Office of the Attorney General and that of the Minister of Justice during the constitutional review process, as recommended by the Truth and Reconciliation Commission and undertaken by the State delegation;

(b) Take appropriate measures to ensure that a prompt, thorough and impartial criminal investigation is opened *ex officio* by a State counsel where there are reasons to believe that an act of torture or ill-treatment has been committed, bring the suspects to trial and, if found guilty, sentence them to penalties that take into account the grave nature of their acts;

(c) Ensure that the disciplinary bodies of the Army and prison staff are independent and not hierarchically or functionally connected to the persons investigated and establish an independent and confidential complaint system, ensuring that prompt, impartial and independent investigations into such complaints are conducted;

(d) Ensure that persons under investigation for having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation, subject to the observance of their own rights to a fair trial.

Redress and rehabilitation for victims of torture

29. While noting the establishment in 2008 of the Sierra Leone Reparations Programme for victims of the civil war, the Committee is concerned at the limited scope of the reparations, the financial constraints of the National Trust Fund for Victims and the large number of victims that have allegedly not been registered as beneficiaries. The Committee also notes that, under criminal and civil proceedings, victims of crimes may obtain compensation and restitution for the harm suffered, but there are no rehabilitation measures, including medical treatment and social rehabilitation services, for victims of torture or ill-treatment. The Committee expresses concern at the lack of information on cases in which the State party has been liable for compensation in relation to damages caused by its agents in connection with torture and ill-treatment (arts. 2 and 14).

The State party should:

(a) Allocate the necessary resources to the Sierra Leone Reparations Programme to provide fair and adequate compensation and as full rehabilitation as possible to all the victims of the civil war, and increase its efforts to register victims living in remote areas as beneficiaries;

(b) Take the necessary legislative and administrative measures to ensure that victims of torture and ill-treatment are able to effectively and expeditiously claim and receive all forms of redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, ensuring that free legal assistance is provided to victims for that purpose;

(c) Allocate the necessary resources to set up a rehabilitation programme for victims of torture, including free medical assistance to victims.

The Committee draws the attention of the State party to the Committee's recently adopted general comment No. 3 on the implementation of article 14, which explains and clarifies the content and scope of the obligations of States parties with a view to providing full redress to victims of torture.

Corporal punishment

30. While acknowledging that the current Correctional Services Bill includes the prohibition of corporal punishment in prisons and section 33 of the Child Rights Act 2007 prohibits torture and inhuman and degrading treatment of children, the Committee is concerned that corporal punishment has not yet been explicitly prohibited in the Child Rights Act or any other act in force and is culturally entrenched and lawful in all settings, including the home, schools, day care, alternative care settings and in penal institutions (art. 16).

The Committee reminds the State party of the commitment it made during the dialogue with the Committee and recommends that it take the necessary legislative measures to explicitly prohibit corporal punishment in all settings, conduct public awareness-raising campaigns about its harmful effects, and promote positive non-violent forms of discipline as an alternative to corporal punishment.

Data collection

31. The Committee regrets the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment perpetrated by law enforcement and prison personnel, as well as on deaths in custody, extrajudicial killings, sexual and gender-based violence, including domestic violence, ritual murders, lynching and criminal conduct related to harmful traditional practices.

The State party should compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment, deaths in custody, extrajudicial killings, enforced disappearances, sexual and gender-based violence, including domestic violence, human trafficking, ritual murders, lynching, criminal conduct related to harmful traditional practices, as well as on means of redress provided to victims, including compensation and rehabilitation, and on refugee and asylum applications, the prevalence of female genital mutilation and the number of persons detained and convicted.

Other issues

32. The Committee recommends that the State party ratify the Optional Protocol to the Convention. It also recommends that the State party make the declarations provided for in articles 21 and 22 of the Convention in order to recognize the competence of the Committee to receive and consider communications.

33. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet a party, namely, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Second Optional Protocol to the International Covenant on Civil and Political Rights. In addition, the State party should consider becoming a party to the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).

34. The State party is requested to disseminate widely the report it submitted to the Committee and the Committee's concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

35. The Committee requests the State party to provide, by 23 May 2015, follow-up information in response to the Committee's recommendations related to (a) ensuring or strengthening legal safeguards for persons in detention; (b) conducting prompt, impartial and effective investigations into cases of the involvement of members of law enforcement agencies in unlawful killings; and (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as specified in paragraphs 11, 13 and 28 (b) of the present concluding observations. In addition, the Committee requests follow-up information on the regulation of the absolute prohibition of torture in the Constitution and the use of alternative measures of detention, as contained in paragraphs 10 and 24 of the present concluding observations.

36. The State party is invited to submit its next report, which will be its second periodic report, by 23 May 2018. For that purpose, the Committee invites the State party to agree, by 23 May 2015, to report under its optional reporting procedure, which entails the transmittal, by the Committee to the State party, of a list of issues prior to the submission of the report. The State party's response to this list of issues will constitute, under article 19 of the Convention, its next periodic report.